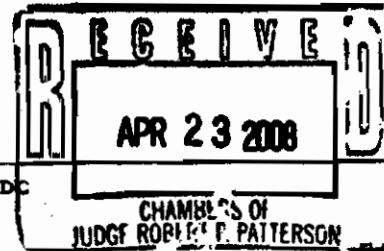




BOSTON CONNECTICUT NEW JERSEY NEW YORK WASHINGTON, DC



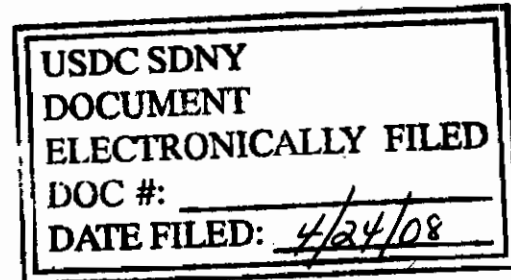
Edgardo Ramos  
Attorney At Law  
7 Times Square  
New York, NY 10036  
T: (212) 297-2452 F: (212) 916-2940

# MEMO ENDORSED

April 23, 2008

Via Telecopy # (212) 805-7917

Honorable Robert P. Patterson  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 2550  
New York, New York 10007



Re: United States v. Jose Manuel Lantigua, 07-CR-0836-01 (RPP)

Dear Judge Patterson:

Mr. Lantigua is scheduled to be sentenced tomorrow, April 24, 2008. By letter dated April 21, 2008 I requested an adjournment of his sentencing and provided as the rationale for the request the necessity of allowing the defendant additional time to determine whether to challenge certain offense conduct included in the Presentence Investigation Report ("PSR"). The Court has denied the requested adjournment. I write to expand on the reason for my earlier request for an adjournment and to respectfully request that the Court reconsider the denial thereof.

Mr. Lantigua entered a plea of guilty without benefit of a plea agreement with the government on January 24, 2008. At his allocution, he admitted to having engaged in a conspiracy to distribute approximately 53.2 grams of crack cocaine in December 2002, and to have possessed with intent to distribute that amount of crack cocaine on December 6, 2002. Prior to the allocution, the government made the defense aware of two additional narcotics transactions in which Mr. Lantigua allegedly engaged – one on May 16, 2002, and the other on September 18, 2002. The government also provided the defense with discovery in the form of recorded and transcribed conversations, surveillance video and laboratory reports concerning those two earlier transactions.

Mr. Lantigua did not allocute to those two earlier transactions. The inclusion of those transactions in the offense level calculation had the effect of raising Mr. Lantigua's



April 23, 2008  
Ltr. to Honorable Robert P. Patterson  
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base offense level under the Sentencing Guidelines from Level 30 to Level 32 because the total amount of crack cocaine made attributable to Mr. Lantigua was approximately 179 grams. See Presentence Investigation Report at para. 17 and U.S.S.G. Sec. 2D1.1(c)(4).

On January 4, 2008, I provided Mr. Lantigua with all of the discovery the government had produced to that point, including discovery relating to the two earlier transactions. In subsequent meetings with Mr. Lantigua to discuss the discovery and the government's plea offer, Mr. Lantigua indicated that he had not received all of the discovery I mailed to him. Consequently, on February 29, 2008, I mailed Mr. Lantigua the entirety of the discovery a second time. Copies of the cover letters that accompanied the discovery are appended hereto. Because of the format of the discovery, i.e., compact disks and cassette tapes, the discovery was maintained by the Metropolitan Detention Center in a central location, Mr. Lantigua was not given possession. However, he was granted time to review it. Mr. Lantigua's ability to review the discovery was further complicated by the fact that he was placed in administrative detention on two separate occasions. (See PSR at para. 8). As late as last Thursday, April 17, I again visited Mr. Lantigua and he advised me that he did not find in the discovery, for example, any computer disks that purported to contain surveillance video of the May transaction. At that time, I provided him with a specific list of disks and audio cassettes to further facilitate his review.

I requested the adjournment because I wanted to ensure that Mr. Lantigua reviewed the relevant discovery concerning the two prior transactions prior to making a decision on whether to challenge the government's evidence. The decision to challenge the evidence can have a significant impact on Mr. Lantigua's the total offense level. Accordingly, I respectfully request the Court to reconsider the denial of the request for an adjournment.

Respectfully submitted,

Edgardo Ramos

ED:rj

714983  
SEE TYPEWRITTEN MEMO  
ENDORSEMENT ATTACHED

*Application denied*  
① February 29, 2008 he supposed to be reviewed & review discovery mailed  
② do in April 17, 2008 stand by transaction  
③ HDC is very overcrowded  
do ordered  
208 RPP [Signature] 4/23/08



April 23, 2008

Ltr. to Honorable Robert P. Patterson

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**Attachments**

cc: (by telecopy)

AUSA Thomas G.A. Brown - Telecopy # (212) 637-2429

U.S. Attorney's Office

Southern District of New York

One St. Andrew's Plaza

New York, New York 10007

U.S.P.O. Zondra Wilson – Telecopy # (212) 805-0047

U.S. Probation Department

Daniel P. Moynihan United States Courthouse

500 Pearl Street

New York, New York 10007

**Case: United States v. Jose Manuel Lantigua**  
**Index No. 07 Cr. 836 (RPP)**

**MEMO ENDORSEMENT READS:**

*Application denied.*

*(1) February 29, 2008 is sufficient time for defendant to review discovery material about May transaction;*

*(2) So is April 17, 2008;*

*(3) MDC is very overcrowded.*

*So ordered.*

*Robert P. Patterson, Jr., U.S.D.J., 4/23/08*

*File*

BOSTON CONNECTICUT NEW JERSEY NEW YORK WASHINGTON, DC

**EDGARDO RAMOS**  
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New York, NY 10036T: (212) 297 2452 F: (212) 916 2940  
eramos@daypitney.com

January 4, 2008

Mr. Jose Lantigua  
Register No. 60361-054  
MDC Brooklyn  
P.O. Box 329002  
Brooklyn, NY 11232Re: United States v. Jose Lantigua, 07-CR-0836 (RPP)

Dear Mr. Lantigua:

Enclosed is the entirety of the discovery I have received from the government in your case. Also enclosed is a copy of the brief we filed yesterday. I will come visit you early the week of January 7 to discuss the government's latest plea offer.

Very truly yours,

A handwritten signature in black ink, appearing to be 'ER' followed by a stylized flourish.

Edgardo Ramos

ER/tjg

Enclosures



BOSTON CONNECTICUT NEW JERSEY NEW YORK WASHINGTON, DC

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Partner

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eramos@daypitney.com

February 29, 2008

**VIA REGULAR MAIL**

Mr. Jose Lantigua  
Register No. 60361-054  
MDC Brooklyn  
P.O. Box 329002  
Brooklyn, NY 11232

Re: U.S. v. Jose Manuel Lantigua  
07 Cr. 836 (RPP)

Dear Mr. Lantigua:

Enclosed please find the documents, tapes and cd's relating to your case.

Very truly yours,

Edgardo Ramos

FR/jeg